

**53A-13-101. Instruction in health -- Parental consent requirements -- Conduct and speech of school employees and volunteers -- Political and religious doctrine prohibited.**

(1) (a) The State Board of Education shall establish curriculum requirements under Section 53A-1-402, that include instruction in:

- (i) community and personal health;
- (ii) physiology;
- (iii) personal hygiene; and
- (iv) prevention of communicable disease.

(b) (i) That instruction shall stress:

- (A) the importance of abstinence from all sexual activity before marriage and fidelity after marriage as methods for preventing certain communicable diseases; and
- (B) personal skills that encourage individual choice of abstinence and fidelity.

(ii) (A) At no time may instruction be provided, including responses to spontaneous questions raised by students, regarding any means or methods that facilitate or encourage the violation of any state or federal criminal law by a minor or an adult.

(B) Subsection (1)(b)(ii)(A) does not preclude an instructor from responding to a spontaneous question as long as the response is consistent with the provisions of this section.

(c) (i) The board shall recommend instructional materials for use in the curricula required under Subsection (1)(a) after considering evaluations of instructional materials by the State Instructional Materials Commission.

(ii) A local school board may choose to adopt:

- (A) the instructional materials recommended under Subsection (1)(c)(i); or
- (B) other instructional materials as provided in state board rule.

(iii) The state board rule made under Subsection (1)(c)(ii)(B) shall include, at a minimum:

(A) that the materials adopted by a local school board under Subsection (1)(c)(ii)(B) shall be based upon recommendations of the school district's Curriculum Materials Review Committee that comply with state law and state board rules emphasizing abstinence before marriage and fidelity after marriage, and prohibiting instruction in:

- (I) the intricacies of intercourse, sexual stimulation, or erotic behavior;
- (II) the advocacy of homosexuality;
- (III) the advocacy or encouragement of the use of contraceptive methods or devices; or

(IV) the advocacy of sexual activity outside of marriage;

(B) that the adoption of instructional materials shall take place in an open and regular meeting of the local school board for which prior notice is given to parents and guardians of students attending schools in the district and an opportunity for them to express their views and opinions on the materials at the meeting;

(C) provision for an appeal and review process of the local school board's decision; and

(D) provision for a report by the local school board to the State Board of Education of the action taken and the materials adopted by the local school board

under Subsections (1)(c)(ii)(B) and (1)(c)(iii).

(2) (a) Instruction in the courses described in Subsection (1) shall be consistent and systematic in grades eight through 12.

(b) At the request of the board, the Department of Health shall cooperate with the board in developing programs to provide instruction in those areas.

(3) (a) The board shall adopt rules that:

(i) provide that the parental consent requirements of Sections 76-7-322 and 76-7-323 are complied with; and

(ii) require a student's parent or legal guardian to be notified in advance and have an opportunity to review the information for which parental consent is required under Sections 76-7-322 and 76-7-323.

(b) The board shall also provide procedures for disciplinary action for violation of Section 76-7-322 or 76-7-323.

(4) (a) In keeping with the requirements of Section 53A-13-109, and because school employees and volunteers serve as examples to their students, school employees or volunteers acting in their official capacities may not support or encourage criminal conduct by students, teachers, or volunteers.

(b) To ensure the effective performance of school personnel, the limitations described in Subsection (4)(a) also apply to school employees or volunteers acting outside of their official capacities if:

(i) they knew or should have known that their action could result in a material and substantial interference or disruption in the normal activities of the school; and

(ii) that action does result in a material and substantial interference or disruption in the normal activities of the school.

(c) Neither the State Office of Education nor local school districts may provide training of school employees or volunteers that supports or encourages criminal conduct.

(d) The State Board of Education shall adopt rules implementing this section.

(e) Nothing in this section limits the ability or authority of the State Board of Education and local school boards to enact and enforce rules or take actions that are otherwise lawful, regarding educators', employees', or volunteers' qualifications or behavior evidencing unfitness for duty.

(5) Except as provided in Section 53A-13-101.1, political, atheistic, sectarian, religious, or denominational doctrine may not be taught in the public schools.

(6) (a) Local school boards and their employees shall cooperate and share responsibility in carrying out the purposes of this chapter.

(b) Each school district shall provide appropriate inservice training for its teachers, counselors, and school administrators to enable them to understand, protect, and properly instruct students in the values and character traits referred to in this section and Sections 53A-13-101.1, 53A-13-101.2, 53A-13-101.3, 53A-13-109, 53A-13-301, and 53A-13-302 and distribute appropriate written materials on the values, character traits, and conduct to each individual receiving the inservice training.

(c) The written materials shall also be made available to classified employees, students, and parents and guardians of students.

(d) In order to assist school districts in providing the inservice training required under Subsection (6)(b), the State Board of Education shall as appropriate, contract

with a qualified individual or entity possessing expertise in the areas referred to in Subsection (6)(b) to develop and disseminate model teacher inservice programs which districts may use to train the individuals referred to in Subsection (6)(b) to effectively teach the values and qualities of character referenced in that subsection.

(e) In accordance with the provisions of Subsection (4)(c), inservice training may not support or encourage criminal conduct.

(7) If any one or more provision, subsection, sentence, clause, phrase, or word of this section, or the application thereof to any person or circumstance, is found to be unconstitutional, the balance of this section shall be given effect without the invalid provision, subsection, sentence, clause, phrase, or word.

Amended by Chapter 196, 2004 General Session

**53A-13-101.1. Maintaining constitutional freedom in the public schools.**

(1) Any instructional activity, performance, or display which includes examination of or presentations about religion, political or religious thought or expression, or the influence thereof on music, art, literature, law, politics, history, or any other element of the curriculum, including the comparative study of religions, which is designed to achieve secular educational objectives included within the context of a course or activity and conducted in accordance with applicable rules of the state and local boards of education, may be undertaken in the public schools.

(2) No aspect of cultural heritage, political theory, moral theory, or societal value shall be included within or excluded from public school curricula for the primary reason that it affirms, ignores, or denies religious belief, religious doctrine, a religious sect, or the existence of a spiritual realm or supreme being.

(3) Public schools may not sponsor prayer or religious devotionals.

(4) School officials and employees may not use their positions to endorse, promote, or disparage a particular religious, denominational, sectarian, agnostic, or atheistic belief or viewpoint.

Enacted by Chapter 95, 1993 General Session

**53A-13-101.2. Waivers of participation.**

(1) If a parent with legal custody or other legal guardian of a student, or a secondary student, determines that the student's participation in a portion of the curriculum or in an activity would require the student to affirm or deny a religious belief or right of conscience, or engage or refrain from engaging in a practice forbidden or required in the exercise of a religious right or right of conscience, the parent, guardian, or student may request:

(a) a waiver of the requirement to participate; or

(b) a reasonable alternative that requires reasonably equivalent performance by the student of the secular objectives of the curriculum or activity in question.

(2) The school shall promptly notify a student's parent or guardian if the student makes a request under Subsection (1).

(3) If a request is made under Subsection (1), the school shall:

(a) waive the participation requirement;

- (b) provide a reasonable alternative to the requirement; or
- (c) notify the requesting party that participation is required.
- (4) The school shall ensure that the provisions of Subsection 53A-13-101.3(3) are met in connection with any required participation under Subsection (3)(c).
- (5) A student's academic or citizenship performance may not be penalized by school officials for the exercise of a religious right or right of conscience in accordance with the provisions of this section.

Amended by Chapter 114, 2007 General Session

**53A-13-101.3. Expressions of belief -- Discretionary time.**

- (1) Expression of personal beliefs by a student participating in school-directed curricula or activities may not be prohibited or penalized unless the expression unreasonably interferes with order or discipline, threatens the well-being of persons or property, or violates concepts of civility or propriety appropriate to a school setting.
- (2) (a) As used in this section, "discretionary time" means noninstructional time during which a student is free to pursue personal interests.
- (b) Free exercise of voluntary religious practice or freedom of speech by students during discretionary time shall not be denied unless the conduct unreasonably interferes with the ability of school officials to maintain order and discipline, unreasonably endangers persons or property, or violates concepts of civility or propriety appropriate to a school setting.
- (3) Any limitation under Sections 53A-13-101.2 and 53A-13-101.3 on student expression, practice, or conduct shall be by the least restrictive means necessary to satisfy the school's interests as stated in those sections, or to satisfy another specifically identified compelling governmental interest.

Enacted by Chapter 95, 1993 General Session

**53A-13-101.4. Instruction in American history and government -- Study and posting of American heritage documents.**

- (1) The Legislature recognizes that a proper understanding of American history and government is essential to good citizenship, and that the public schools are the primary public institutions charged with responsibility for assisting children and youth in gaining that understanding.
- (2) (a) The State Board of Education and local school boards shall periodically review school curricula and activities to ensure that effective instruction in American history and government is taking place in the public schools.
- (b) The boards shall solicit public input as part of the review process.
- (c) Instruction in American history and government shall include a study of:
  - (i) forms of government, such as a republic, a pure democracy, a monarchy, and an oligarchy;
  - (ii) political philosophies and economic systems, such as socialism, individualism, and free market capitalism; and
  - (iii) the United States' form of government, a compound constitutional republic.
- (3) School curricula and activities shall include a thorough study of historical

documents such as:

- (a) the Declaration of Independence;
  - (b) the United States Constitution;
  - (c) the national motto;
  - (d) the pledge of allegiance;
  - (e) the national anthem;
  - (f) the Mayflower Compact;
  - (g) the writings, speeches, documents, and proclamations of the Founders and the Presidents of the United States;
  - (h) organic documents from the pre-Colonial, Colonial, Revolutionary, Federalist, and post Federalist eras;
  - (i) United States Supreme Court decisions;
  - (j) Acts of the United States Congress, including the published text of the Congressional Record; and
  - (k) United States treaties.
- (4) To increase student understanding of, and familiarity with, American historical documents, public schools may display historically important excerpts from, or copies of, those documents in school classrooms and common areas as appropriate.
- (5) There shall be no content-based censorship of American history and heritage documents referred to in this section due to their religious or cultural nature.
- (6) Public schools shall display "In God we trust," which is declared in 36 U.S.C. 302 to be the national motto of the United States, in one or more prominent places within each school building.

Amended by Chapter 298, 2011 General Session

**53A-13-101.5. Teaching of American sign language.**

- (1) The Legislature recognizes that American sign language is a fully developed, autonomous, natural language with distinct grammar, syntax, and art forms.
- (2) American sign language shall be accorded equal status with other linguistic systems in the state's public and higher education systems.
- (3) The State Board of Education, in consultation with the state's school districts and members of the deaf and hard of hearing community, shall develop and implement policies and procedures for the teaching of American sign language in the state's public education system at least at the middle school or high school level.
- (4) A student may count credit received for completion of a course in American sign language at the middle school or high school level towards the satisfaction of a foreign language requirement in the public education system under rules made by the State Board of Education.
- (5) The State Board of Regents, in consultation with the state's public institutions of higher education and members of the state's deaf and hard of hearing community, shall develop and implement policies and procedures for offering instruction in American sign language in the state's system of higher education consistent with the master plan for higher education under Section 53B-6-101.
- (6) The Joint Liaison Committee, in consultation with members of the state's deaf and hard of hearing community, shall review any policies and procedures

developed under this section and make recommendations to either or both boards regarding the policies.

Amended by Chapter 297, 1998 General Session

**53A-13-101.6. Instruction on the flag of the United States of America.**

(1) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the State Board of Education shall provide by rule for a program of instruction within the public schools relating to the flag of the United States.

(2) The instruction shall include the history of the flag, etiquette, customs pertaining to the display and use of the flag, and other patriotic exercises as provided by 4 U.S.C. Secs. 1 to 10.

(3) (a) The pledge of allegiance to the flag shall be recited once at the beginning of each day in each public school classroom in the state, led by a student in the classroom, as assigned by the classroom teacher on a rotating basis.

(b) Each student shall be informed by posting a notice in a conspicuous place that the student has the right not to participate in reciting the pledge.

(c) A student shall be excused from reciting the pledge upon written request from the student's parent or legal guardian.

(d) (i) At least once a year students shall be instructed that:

(A) participation in the pledge of allegiance is voluntary and not compulsory; and

(B) not only is it acceptable for someone to choose not to participate in the pledge of allegiance for religious or other reasons, but students should show respect for any student who chooses not to participate.

(ii) A public school teacher shall strive to maintain an atmosphere among students in the classroom that is consistent with the principles described in Subsection (3)(d)(i).

Amended by Chapter 426, 2012 General Session

**53A-13-102. Instruction on the harmful effects of alcohol, tobacco, and controlled substances -- Rulemaking authority -- Assistance from the Division of Substance Abuse and Mental Health.**

(1) The State Board of Education shall adopt rules providing for instruction at each grade level on the harmful effects of alcohol, tobacco, and controlled substances upon the human body and society. The rules shall require but are not limited to instruction on the following:

(a) teaching of skills needed to evaluate advertisements for, and media portrayal of, alcohol, tobacco, and controlled substances;

(b) directing students towards healthy and productive alternatives to the use of alcohol, tobacco, and controlled substances; and

(c) discouraging the use of alcohol, tobacco, and controlled substances.

(2) At the request of the board, the Division of Substance Abuse and Mental Health shall cooperate with the board in developing programs to provide this instruction.

(3) The board shall participate in efforts to enhance communication among community organizations and state agencies, and shall cooperate with those entities in

efforts which are compatible with the purposes of this section.

Amended by Chapter 8, 2002 Special Session 5

**53A-13-103. Eye protective devices for industrial education, physics laboratory, and chemistry laboratory activities.**

(1) Any individual who participates in any of the following activities in public or private schools that may endanger his vision shall wear quality eye protective devices:

- (a) industrial education activities that involve:
  - (i) hot molten metals;
  - (ii) the operation of equipment that could throw particles of foreign matter into the eyes;
  - (iii) heat treating, tempering, or kiln firing of any industrial materials;
  - (iv) gas or electric arc welding; or
  - (v) caustic or explosive material;
- (b) chemistry or physics laboratories when using caustic or explosive chemicals, and hot liquids and solids.

(2) "Quality eye protective devices" means devices that meet the standards of the American Safety Code for Head, Eye, and Respiratory Protection, Z2.1-1959, promulgated by the American Standards Association, Inc.

(3) (a) The local school board shall furnish these protective devices to individuals involved in these activities.

(b) The board may sell these protective devices at cost or rent or loan them to individuals involved in these activities.

Enacted by Chapter 2, 1988 General Session

**53A-13-104. Remediation programs for secondary students.**

(1) For purposes of this section:

(a) "Secondary school" means a school that provides instruction to students in grades 7, 8, 9, 10, 11, or 12.

(b) "Secondary school student":

- (i) means a student enrolled in a secondary school; and
- (ii) includes a student in grade 6 if the student attends a secondary school.

(2) A school district or charter school shall implement programs for secondary school students to attain the competency levels and graduation requirements established by the State Board of Education.

(3) (a) A school district or charter school shall establish remediation programs for secondary school students who do not meet competency levels in English, mathematics, science, or social studies.

(b) Participation in the programs is mandatory for secondary school students who fail to meet the competency levels based on classroom performance.

(4) Secondary school students who require remediation under this section may not be advanced to the following class in subject sequences until they meet the required competency level for the subject or complete the required remediation program, except that a school district or charter school may allow secondary school

students requiring remediation who would otherwise be scheduled to enter their first year of high school to complete their remediation program during that first year.

(5) (a) Remediation programs provided under this section should not be unnecessarily lengthy or repetitive.

(b) A secondary school student need not repeat an entire class if remediation can reasonably be achieved through other means.

(6) A school district or charter school may charge secondary school students a fee to participate in the remediation programs.

Amended by Chapter 377, 2013 General Session

**53A-13-106. Instruction in firearm safety -- Purpose -- School districts to implement volunteer education classes -- Parental consent exception.**

(1) (a) School districts may permit the use of district approved volunteers or school district teachers for instruction of firearm safety education classes for students.

(b) The volunteers or school district teachers instructing the firearm safety education class are encouraged to utilize donated materials prepared by firearms training and education organizations or to develop their own materials within existing budgets.

(2) The purpose of firearm safety education is to:

(a) develop the knowledge, habits, skills, and attitudes necessary for the safe handling of firearms; and

(b) help students avoid firearm injuries.

(3) School districts may offer firearm safety instruction to students in grades kindergarten through four to teach them that in order to avoid injury when they find a firearm they should:

(a) not touch it;

(b) tell an adult about finding the firearm and its location; and

(c) be able to share the instruction provided in Subsections (3)(a) and (b) with any other minors who are with them when they find a firearm.

(4) As used in this chapter, "firearm" means any firearm as defined in Section 76-10-501.

(5) The State Board of Education shall make rules promulgated pursuant to Title 63G, Chapter 3, Utah Administrative Rulemaking Act, for:

(a) use of certified volunteers for instruction of firearm safety education classes in the public schools;

(b) use of public school classrooms or auditoriums for these classes;

(c) school district review of donated materials before their use; and

(d) proof of certification as a firearm safety instructor.

(6) (a) A local school board may require every student in grades kindergarten through six to participate in a firearm safety education class offered within the public schools under this section.

(b) A student may be exempted from participation upon notification to the local school by the student's parent or legal guardian that the parent or legal guardian wants the student exempted from the class in its entirety or any portion specified.

(7) If a student is exempted under Subsection (6), the school may provide other



activities during the period of time in which the student would otherwise be participating in the program.

(8) The school districts may permit the Division of Wildlife Resources, local law enforcement agencies, peace officers as defined in Title 53, Chapter 13, Peace Officer Classifications, certified instructors, certified hunter education instructors, and other certified firearms safety instructors, as provided by rules adopted under Subsection (5)(a) to teach the firearm safety education class on a voluntary basis.

(9) The school district is encouraged to maximize the use of existing firearm safety educational materials which are available at minimal or no cost and the use of certified volunteer instructors.

(10) The school district may review the class on a regular basis for its effectiveness.

Amended by Chapter 382, 2008 General Session

**53A-13-107. Adoption information.**

(1) For a school year beginning with or after the 2012-13 school year, a local school board shall ensure that an annual presentation on adoption is given to its secondary school students in grades 7-12, so that each student receives the presentation at least once during grades 7-9 and at least once during grades 10-12.

(2) The presentation shall be made by a licensed teacher as part of the health education core.

Amended by Chapter 305, 2010 General Session

**53A-13-108. Curriculum and graduation requirements.**

(1) The State Board of Education shall establish rigorous curriculum and graduation requirements under Section 53A-1-402 for grades 9 through 12 that:

- (a) are consistent with state law and federal regulations; and
- (b) beginning no later than with the graduating class of 2008:
  - (i) use competency-based standards and assessments;
  - (ii) include instruction that stresses general financial literacy from basic budgeting to financial investments, including bankruptcy education and a general financial literacy test-out option; and
  - (iii) increase graduation requirements in language arts, mathematics, and science to exceed the existing credit requirements of 3.0 units in language arts, 2.0 units in mathematics, and 2.0 units in science.

(2) The State Board of Education shall also establish competency-based standards and assessments for elective courses.

(3) On or before July 1, 2014, the State Board of Education shall adopt revised course standards and objectives for the course of instruction in general financial literacy described in Subsection (1)(b) that address:

(a) the costs of going to college, student loans, scholarships, and the Free Application for Federal Student Aid (FAFSA); and

(b) technology that relates to banking, savings, and financial products.

(4) The State Board of Education shall administer the course of instruction in

general financial literacy described in Subsection (1)(b) in the same manner as other core curriculum courses for grades 9 through 12 are administered.

Amended by Chapter 70, 2014 General Session

**53A-13-108.5. Acceptance of credits and grades awarded by accredited schools.**

(1) (a) A public school shall accept credits and grades awarded to a student by a school accredited or approved by the State Board of Education or accredited or recognized by the Northwest Association of Accredited Schools as issued by the school, without alterations.

(b) Credits awarded for a core curriculum course shall be applied to fulfilling core curriculum requirements.

(2) Subsection (1) applies to credits awarded to a student who:

(a) transfers to a public school; or

(b) while enrolled in the public school, takes courses offered by another public or private school.

(3) Subsection (1) applies to:

(a) traditional classes in which an instructor is present in the classroom and the student is required to attend the class for a particular length of time;

(b) open entry/open exit classes in which the student has the flexibility to begin or end study at any time, progress through course material at his own pace, and demonstrate competency when knowledge and skills have been mastered;

(c) courses offered over the Internet; or

(d) distance learning courses.

Enacted by Chapter 227, 2006 General Session

**53A-13-109. Civic and character education -- Definitions -- Legislative finding -- Elements -- Reporting requirements.**

(1) As used in this section:

(a) "Character education" means reaffirming values and qualities of character which promote an upright and desirable citizenry.

(b) "Civic education" means the cultivation of informed, responsible participation in political life by competent citizens committed to the fundamental values and principles of representative democracy in Utah and the United States.

(c) "Values" means time-established principles or standards of worth.

(2) The Legislature recognizes that:

(a) Civic and character education are fundamental elements of the public education system's core mission as originally intended and established under Article X of the Utah Constitution;

(b) Civic and character education are fundamental elements of the constitutional responsibility of public education and shall be a continuing emphasis and focus in public schools;

(c) the cultivation of a continuing understanding and appreciation of a constitutional republic and principles of representative democracy in Utah and the

United States among succeeding generations of educated and responsible citizens is important to the nation and state;

(d) the primary responsibility for the education of children within the state resides with their parents or guardians and that the role of state and local governments is to support and assist parents in fulfilling that responsibility;

(e) public schools fulfill a vital purpose in the preparation of succeeding generations of informed and responsible citizens who are deeply attached to essential democratic values and institutions; and

(f) the happiness and security of American society relies upon the public virtue of its citizens which requires a united commitment to a moral social order where self-interests are willingly subordinated to the greater common good.

(3) Through an integrated curriculum, students shall be taught in connection with regular school work:

(a) honesty, integrity, morality, civility, duty, honor, service, and obedience to law;

(b) respect for and an understanding of the Declaration of Independence and the constitutions of the United States and of the state of Utah;

(c) Utah history, including territorial and preterritorial development to the present;

(d) the essentials and benefits of the free enterprise system;

(e) respect for parents, home, and family;

(f) the dignity and necessity of honest labor; and

(g) other skills, habits, and qualities of character which will promote an upright and desirable citizenry and better prepare students to recognize and accept responsibility for preserving and defending the blessings of liberty inherited from prior generations and secured by the constitution.

(4) Local school boards and school administrators may provide training, direction, and encouragement, as needed, to accomplish the intent and requirements of this section and to effectively emphasize civic and character education in the course of regular instruction in the public schools.

(5) Civic and character education in public schools are:

(a) not intended to be separate programs in need of special funding or added specialists to be accomplished; and

(b) core principles which reflect the shared values of the citizens of Utah and the founding principles upon which representative democracy in the United States and the state of Utah are based.

(6) To assist the Commission on Civic and Character Education in fulfilling the commission's duties under Section 67-1a-11, by December 30 of each year, each school district and the State Charter School Board shall submit to the lieutenant governor and the commission a report summarizing how civic and character education are achieved in the school district or charter schools through an integrated school curriculum and in the regular course of school work as provided in this section.

(7) Each year, the State Board of Education shall report to the Education Interim Committee, on or before the October meeting, the methods used, and the results being achieved, to instruct and prepare students to become informed and responsible citizens through an integrated curriculum taught in connection with regular school work as

required in this section.

Amended by Chapter 387, 2014 General Session

**53A-13-110. Financial and economic literacy education.**

(1) As used in this section:

(a) "Financial and economic activities" include activities related to the topics listed in Subsection (1)(b).

(b) "Financial and economic literacy concepts" include concepts related to the following topics:

- (i) basic budgeting;
- (ii) saving and financial investments;
- (iii) banking and financial services, including balancing a checkbook or a bank account and online banking services;
- (iv) career management, including earning an income;
- (v) rights and responsibilities of renting or buying a home;
- (vi) retirement planning;
- (vii) loans and borrowing money, including interest, credit card debt, predatory lending, and payday loans;
- (viii) insurance;
- (ix) federal, state, and local taxes;
- (x) charitable giving;
- (xi) online commerce;
- (xii) identity fraud and theft;
- (xiii) negative financial consequences of gambling;
- (xiv) bankruptcy;
- (xv) free markets and prices;
- (xvi) supply and demand;
- (xvii) monetary and fiscal policy;
- (xviii) effective business plan creation, including using economic analysis in creating a plan;
- (xix) scarcity and choices;
- (xx) opportunity cost and tradeoffs;
- (xxi) productivity;
- (xxii) entrepreneurship; and
- (xxiii) economic reasoning.

(c) "Financial and economic literacy passport" means a document that tracks mastery of financial and economic literacy concepts and completion of financial and economic activities in kindergarten through grade 12.

(d) "General financial literacy course" means the course of instruction described in Section 53A-13-108.

(2) The State Board of Education shall:

(a) in cooperation with interested private and nonprofit entities:

(i) develop a financial and economic literacy passport that students may elect to complete;

(ii) develop methods of encouraging parent and educator involvement in

completion of the financial and economic literacy passport; and

(iii) develop and implement appropriate recognition and incentives for students who complete the financial and economic literacy passport, including:

(A) a financial and economic literacy endorsement on the student's diploma of graduation;

(B) a specific designation on the student's official transcript; and

(C) any incentives offered by community partners;

(b) more fully integrate existing and new financial and economic literacy education into instruction in kindergarten through grade 12 by:

(i) coordinating financial and economic literacy instruction with existing instruction in other core curriculum areas such as mathematics and social studies;

(ii) using curriculum mapping;

(iii) creating training materials and staff development programs that:

(A) highlight areas of potential coordination between financial and economic literacy education and other core curriculum concepts; and

(B) demonstrate specific examples of financial and economic literacy concepts as a way of teaching other core curriculum concepts; and

(iv) using appropriate financial and economic literacy assessments to improve financial and economic literacy education and, if necessary, developing assessments;

(c) work with interested public, private, and nonprofit entities to:

(i) identify, and make available to teachers, online resources for financial and economic literacy education, including modules with interactive activities and turnkey instructor resources;

(ii) coordinate school use of existing financial and economic literacy education resources;

(iii) develop simple, clear, and consistent messaging to reinforce and link existing financial literacy resources;

(iv) coordinate the efforts of school, work, private, nonprofit, and other financial education providers in implementing methods of appropriately communicating to teachers, students, and parents key financial and economic literacy messages; and

(v) encourage parents and students to establish higher education savings, including a Utah Educational Savings Plan account;

(d) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, make rules to develop guidelines and methods for school districts and charter schools to more fully integrate financial and economic literacy education into other core curriculum courses;

(e) (i) contract with a provider, through a request for proposals process, to develop an online, end-of-course assessment for the general financial literacy course;

(ii) require a school district or charter school to administer an online, end-of-course assessment to a student who takes the general financial literacy course; and

(iii) develop a plan, through the state superintendent of public instruction, to analyze the results of an online, end-of-course assessment in general financial literacy that includes:

(A) an analysis of assessment results by standard; and

(B) average scores statewide and by school district and school;

(f) in cooperation with school districts, charter schools, and interested private and nonprofit entities, provide opportunities for professional development in financial and economic literacy to teachers, including:

- (i) a statewide learning community for financial and economic literacy;
- (ii) summer workshops; and
- (iii) online videos of experts in the field of financial and economic literacy education; and

(g) implement a teacher endorsement in general financial literacy that includes course work in financial planning, credit and investing, consumer economics, personal budgeting, and family economics.

(3) A public school shall provide the following to the parents or guardian of a kindergarten student during kindergarten enrollment:

- (a) a financial and economic literacy passport; and
- (b) information about higher education savings options, including information about opening a Utah Educational Savings Plan account.

(4) (a) The State Board of Education shall establish a task force to study and make recommendations to the board on how to improve financial and economic literacy education in the public school system.

(b) The task force membership shall include representatives of:

- (i) the State Board of Education;
- (ii) school districts and charter schools; and
- (iii) private or public entities that teach financial education and share a commitment to empower individuals and families to achieve economic stability, opportunity, and upward mobility.

(c) In 2013, the task force shall:

- (i) review and recommend modifications to the course standards and objectives of the general financial literacy course described in Section 53A-13-108 to ensure the course standards and objectives reflect current and relevant content consistent with the financial and economic literacy concepts listed in Subsection (1)(b);

- (ii) study the development of an online assessment of students' competency in financial and economic literacy that may be used to:

- (A) measure student learning growth and proficiency in financial and economic literacy; and

- (B) assess the effectiveness of instruction in financial and economic literacy;

- (iii) consider the development of a rigorous, online only, course to fulfill the general financial literacy curriculum and graduation requirements specified in Section 53A-13-108;

- (iv) identify opportunities for teaching financial and economic literacy through an integrated school curriculum and in the regular course of school work;

- (v) study and make recommendations for educator license endorsements for teachers of financial and economic literacy;

- (vi) identify efficient and cost-effective methods of delivering professional development in financial and economic literacy content and instructional methods; and

- (vii) study how financial and economic literacy education may be enhanced through community partnerships.

(d) The task force shall reconvene every three years to review and recommend

adjustments to the course standards and objectives of the general financial literacy course.

(e) The State Board of Education shall make a report to the Education Interim Committee no later than the committee's November 2013 meeting summarizing the findings and recommendations of the task force and actions taken by the board in response to the task force's findings and recommendations.

Amended by Chapter 70, 2014 General Session

**53A-13-111. Educational program on the use of information technology.**

(1) The State Board of Education shall provide for an educational program on the use of information technology, which shall be offered by high schools.

(2) An educational program on the use of information technology shall:

(a) provide instruction on skills and competencies essential for the workplace and requested by employers;

(b) include the following components:

(i) a curriculum;

(ii) online access to the curriculum;

(iii) instructional software for classroom and student use;

(iv) certification of skills and competencies most frequently requested by employers;

(v) professional development for teachers; and

(vi) deployment and program support, including integration with existing curriculum standards; and

(c) be made available to high school students, faculty, and staff.

Enacted by Chapter 181, 2012 General Session

**53A-13-112. Child sexual abuse prevention.**

(1) As used in this section, "school personnel" is as defined in Section 53A-11-605.

(2) On or before July 1, 2015, the State Board of Education shall approve, in partnership with the Department of Human Services, age-appropriate instructional materials for the training and instruction described in Subsections (3)(a) and (4).

(3) (a) Beginning in the 2016-17 school year, a school district or charter school shall provide training and instruction on child sexual abuse prevention and awareness to:

(i) school personnel in elementary and secondary schools on:

(A) responding to a disclosure of child sexual abuse in a supportive, appropriate manner; and

(B) the mandatory reporting requirements described in Sections 53A-6-502 and 62A-4a-403; and

(ii) parents or guardians of elementary school students on:

(A) recognizing warning signs of a child who is being sexually abused; and

(B) effective, age-appropriate methods for discussing the topic of child sexual abuse with a child.

(b) A school district or charter school shall use the instructional materials approved by the State Board of Education under Subsection (2) to provide the training and instruction to school personnel and parents or guardians under Subsection (3)(a).

(4) (a) In accordance with Subsections (4)(b) and (5), a school district or charter school may provide instruction on child sexual abuse prevention and awareness to elementary school students using age-appropriate curriculum.

(b) Beginning in the 2016-17 school year, a school district or charter school that provides the instruction described in Subsection (4)(a) shall use the instructional materials approved by the board under Subsection (2) to provide the instruction.

(5) (a) An elementary school student may not be given the instruction described in Subsection (4) unless the parent or guardian of the student is:

(i) notified in advance of the:

(A) instruction and the content of the instruction; and

(B) parent or guardian's right to have the student excused from the instruction;

(ii) given an opportunity to review the instructional materials before the instruction occurs; and

(iii) allowed to be present when the instruction is delivered.

(b) Upon the written request of the parent or guardian of an elementary school student, the student shall be excused from the instruction described in Subsection (4).

(c) Participation of a student requires compliance with Sections 53A-13-301 and 53A-13-302.

(6) A school district or charter school may determine the mode of delivery for the training and instruction described in Subsections (3) and (4).

(7) (a) The State Board of Education shall report to the Education Interim Committee on the progress of the provisions of this section by the committee's November 2017 meeting.

(b) Upon request of the State Board of Education, a school district or charter school shall provide to the State Board of Education information that is necessary for the report required under Subsection (7)(a).

Enacted by Chapter 342, 2014 General Session

**53A-13-201. Driver education established by school districts.**

(1) As used in this part:

(a) "Driver education" includes classroom instruction and driving and observation in a dual-controlled motor vehicle.

(b) "Driving" or "behind-the-wheel driving" means operating a dual-controlled motor vehicle under the supervision of a certified instructor.

(2) (a) Local school districts may establish and maintain driver education for pupils.

(b) A school or local school district that provides driver education shall provide an opportunity for each pupil enrolled in that school or local school district to take the written test when the pupil is 15 years and nine months of age.

(c) Notwithstanding the provisions of Subsection (2)(b), a school or local school district that provides driver education may provide an opportunity for each pupil enrolled in that school or school district to take the written test when the pupil is 15 years of age.



(3) The purpose of driver education is to help develop the knowledge, attitudes, habits, and skills necessary for the safe operation of motor vehicles.

(4) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the State Board of Education shall make rules for driver education offered in the public schools.

(5) The rules under Subsection (4) shall:

(a) require at least one hour of classroom training on the subject of railroad crossing safety for each driver education pupil; and

(b) establish minimum standards for approved driving ranges under Section 53-3-505.5.

(6) The requirements of Section 53-3-505.5 apply to any behind-the-wheel driving training provided as part of driver education offered under this part and used to satisfy the driver training requirement under Section 53-3-204.

Amended by Chapter 382, 2008 General Session

**53A-13-202. Driver education funding -- Reimbursement of school districts for driver education class expenses -- Limitations -- Excess funds -- Student fees.**

(1) (a) Except as provided in Subsection (1)(b), a school district that provides driver education shall fund the program solely through:

(i) funds provided from the Automobile Driver Education Tax Account in the Uniform School Fund as created under Section 41-1a-1205; and

(ii) student fees collected by each school.

(b) In determining the cost of driver education, a school district may exclude:

(i) the full-time equivalent cost of a teacher for a driver education class taught during regular school hours; and

(ii) classroom space and classroom maintenance.

(c) A school district may not use any additional school funds beyond those allowed under Subsection (1)(b) to subsidize driver education.

(2) (a) The state superintendent of public instruction shall, prior to September 2nd following the school year during which it was expended, or may at earlier intervals during that school year, reimburse each school district that applied for reimbursement in accordance with this section.

(b) A school district that maintains driver education classes that conform to this part and the rules prescribed by the board may apply for reimbursement for the actual cost of providing the behind-the-wheel and observation training incidental to those classes.

(3) Under the state board's supervision for driver education, a school district may:

(a) employ personnel who are not licensed by the board under Section 53A-6-104; or

(b) contract with private parties or agencies licensed under Section 53-3-504 for the behind-the-wheel phase of the driver education program.

(4) The reimbursement amount shall be paid out of the Automobile Driver Education Tax Account in the Uniform School Fund and may not exceed:

(a) \$100 per student who has completed driver education during the school

year;

(b) \$30 per student who has only completed the classroom portion in the school or through the electronic high school during the school year; or

(c) \$70 per student who has only completed the behind-the-wheel and observation portion in the school during the school year.

(5) If the amount of money in the account at the end of a school year is less than the total of the reimbursable costs, the state superintendent of public instruction shall allocate the money to each school district in the same proportion that its reimbursable costs bear to the total reimbursable costs of all school districts.

(6) If the amount of money in the account at the end of any school year is more than the total of the reimbursement costs provided under Subsection (4), the superintendent may allocate the excess funds to school districts:

(a) to reimburse each school district that applies for reimbursement of the cost of a fee waived under Section 53A-12-103 for driver education; and

(b) to aid in the procurement of equipment and facilities which reduce the cost of behind-the-wheel instruction.

(7) A local school board shall establish the student fee for driver education for the school district. Student fees shall be reasonably associated with the costs of driver education that are not otherwise covered by reimbursements and allocations made under this section.

Amended by Chapter 23, 2003 General Session

**53A-13-203. Enrollment of private school pupils.**

(1) A school district maintaining driver education classes shall allow pupils enrolled in grades nine to 12 of regularly established private schools located within the school district to enroll in the most accessible public school in the school district to receive driver education.

(2) Enrollment is on the same terms and conditions as applies to students in public schools within the district, as such terms and conditions relate to the driver education classes only.

Enacted by Chapter 2, 1988 General Session

**53A-13-204. Reports as to costs of driver training programs.**

A local school board seeking reimbursement shall, at the end of each school year and at other times as designated by the State Board of Education, report the following to the state superintendent of public instruction:

(1) the costs of providing driver education including a separate accounting for:

(a) course work; and

(b) behind-the-wheel and observation training to students;

(2) the costs of fees waived under Section 53A-12-103 for driver education including a separate accounting for:

(a) course work; and

(b) behind-the-wheel and observation training to students;

(3) the number of students who completed driver education including a separate

accounting for:

- (a) course work; and
- (b) behind-the-wheel and observation training to students;
- (4) whether or not a passing grade was received; and
- (5) any other information the State Board of Education may require for the purpose of administering this program.

Amended by Chapter 23, 2003 General Session

**53A-13-205. Promoting the establishment and maintenance of classes -- Payment of costs.**

(1) The superintendent of public instruction shall promote the establishment and maintenance of driver education classes in school districts under rules adopted by the State Board of Education.

(2) The state board may employ personnel and sponsor experimental programs considered necessary to give full effect to this program.

(3) The costs of implementing this section shall be paid from the legislative appropriation to the board made from the Automobile Driver Education Tax Account in the Uniform School Fund.

Enacted by Chapter 2, 1988 General Session

**53A-13-206. Appropriations from Automobile Driver Education Tax Account.**

There is appropriated to the State Board of Education from the Automobile Driver Education Tax Account, annually, all money in the account, in excess of the expense of administering the collection of the tax, for use and distribution in the administration and maintenance of driver education classes and programs with respect to classes offered in the school district and the establishment of experimental programs, including the purchasing of equipment, by the board.

Enacted by Chapter 2, 1988 General Session

**53A-13-208. Driver education teachers certified as license examiners.**

(1) The Driver License Division of the Department of Public Safety and the State Board of Education through the State Office of Education shall establish procedures and standards to certify teachers of driver education classes under this part to administer written and driving tests.

(2) The division is the certifying authority.

(3) (a) A teacher certified under this section shall give written and driving tests designed for driver education classes authorized under this part.

(b) The Driver License Division shall, in conjunction with the State Office of Education, establish minimal standards for the driver education class tests that are at least as difficult as those required to receive a class D operator's license under Title 53, Chapter 3, Uniform Drivers License Act.

(c) A student who passes the written test but fails the driving test given by a

teacher certified under this section may apply for a learner permit or class D operator's license under Title 53, Chapter 3, Part 2, Driver Licensing Act, and complete the driving test at a Driver License Division office.

(4) A student shall have a learner permit issued by the Driver License Division under Section 53-3-210.5 in the student's immediate possession at all times when operating a motor vehicle under this section.

(5) A student who successfully passes the tests given by a certified driver education teacher under this section satisfies the written and driving parts of the test required for a learner permit or class D operator's license.

(6) The Driver License Division and the State Board of Education shall establish procedures to enable school districts to administer or process any tests for students to receive a learner permit or class D operator's license.

(7) The division and board shall establish the standards and procedures required under this section by rules made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

Amended by Chapter 382, 2008 General Session

**53A-13-209. Programs authorized -- Minimum standards.**

(1) Local school districts may:

(a) allow students to complete the classroom training portion of driver education through the following programs:

(i) home study; or

(ii) the electronic high school;

(b) provide each parent with driver education instructional materials to assist in parent involvement with driver education including behind-the-wheel driving materials;

(c) offer driver education outside of school hours in order to reduce the cost of providing driver education;

(d) offer driver education through community education programs;

(e) offer the classroom portion of driver education in the public schools and allow the student to complete the behind-the-wheel portion with a private provider:

(i) licensed under Section 53-3-504; and

(ii) not associated with the school or under contract with the school under Subsection 53A-13-202(3); or

(f) any combination of Subsections (1)(a) through (e).

(2) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the State Board of Education shall establish minimum standards for the school-related programs under Subsection (1).

Amended by Chapter 382, 2008 General Session

**53A-13-301. Application of state and federal law to the administration and operation of public schools -- Student information confidentiality standards -- Local school board and charter school governing board policies.**

(1) An employee, student aide, volunteer, or other agent of the state's public education system shall protect the privacy of students, their parents, and their families,

and support parental involvement in the education of their children through compliance with the protections provided for family and student privacy under Section 53A-13-302 and the Federal Family Educational Rights and Privacy Act and related provisions under 20 U.S.C. 1232g and 1232h, in the administration and operation of all public school programs, regardless of the source of funding.

(2) A local school board or charter school governing board shall enact policies governing the protection of family and student privacy as required by this section.

(3) (a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the State Board of Education shall make rules to establish standards for public education employees, student aides, and volunteers in public schools regarding the confidentiality of student information and student records.

(b) The rules described in Subsection (3)(a) shall provide that a local school board or charter school governing board may adopt policies related to public school student confidentiality to address the specific needs or priorities of the school district or charter school.

(4) The State Board of Education shall:

(a) develop resource materials for purposes of training employees, student aides, and volunteers of a school district or charter school regarding the confidentiality of student information and student records; and

(b) provide the materials described in Subsection (4)(a) to each school district and charter school.

Amended by Chapter 401, 2011 General Session

**53A-13-302. Activities prohibited without prior written consent -- Validity of consent -- Qualifications -- Training on implementation.**

(1) Except as provided in Subsection (7), Section 53A-11a-203, and Section 53A-15-1301, policies adopted by a school district or charter school under Section 53A-13-301 shall include prohibitions on the administration to a student of any psychological or psychiatric examination, test, or treatment, or any survey, analysis, or evaluation without the prior written consent of the student's parent or legal guardian, in which the purpose or evident intended effect is to cause the student to reveal information, whether the information is personally identifiable or not, concerning the student's or any family member's:

(a) political affiliations or, except as provided under Section 53A-13-101.1 or rules of the State Board of Education, political philosophies;

(b) mental or psychological problems;

(c) sexual behavior, orientation, or attitudes;

(d) illegal, anti-social, self-incriminating, or demeaning behavior;

(e) critical appraisals of individuals with whom the student or family member has close family relationships;

(f) religious affiliations or beliefs;

(g) legally recognized privileged and analogous relationships, such as those with lawyers, medical personnel, or ministers; and

(h) income, except as required by law.

(2) Prior written consent under Subsection (1) is required in all grades,

kindergarten through grade 12.

(3) Except as provided in Subsection (7), Section 53A-11a-203, and Section 53A-15-1301, the prohibitions under Subsection (1) shall also apply within the curriculum and other school activities unless prior written consent of the student's parent or legal guardian has been obtained.

(4) Written parental consent is valid only if a parent or legal guardian has been first given written notice, including notice that a copy of the educational or student survey questions to be asked of the student in obtaining the desired information is made available at the school, and a reasonable opportunity to obtain written information concerning:

(a) records or information, including information about relationships, that may be examined or requested;

(b) the means by which the records or information shall be examined or reviewed;

(c) the means by which the information is to be obtained;

(d) the purposes for which the records or information are needed;

(e) the entities or persons, regardless of affiliation, who will have access to the personally identifiable information; and

(f) a method by which a parent of a student can grant permission to access or examine the personally identifiable information.

(5) (a) Except in response to a situation which a school employee reasonably believes to be an emergency, or as authorized under Title 62A, Chapter 4a, Part 4, Child Abuse or Neglect Reporting Requirements, or by order of a court, disclosure to a parent or legal guardian must be given at least two weeks before information protected under this section is sought.

(b) Following disclosure, a parent or guardian may waive the two week minimum notification period.

(c) Unless otherwise agreed to by a student's parent or legal guardian and the person requesting written consent, the authorization is valid only for the activity for which it was granted.

(d) A written withdrawal of authorization submitted to the school principal by the authorizing parent or guardian terminates the authorization.

(e) A general consent used to approve admission to school or involvement in special education, remedial education, or a school activity does not constitute written consent under this section.

(6) (a) This section does not limit the ability of a student under Section 53A-13-101.3 to spontaneously express sentiments or opinions otherwise protected against disclosure under this section.

(b) (i) If a school employee or agent believes that a situation exists which presents a serious threat to the well-being of a student, that employee or agent shall notify the student's parent or guardian without delay.

(ii) If, however, the matter has been reported to the Division of Child and Family Services within the Department of Human Services, it is the responsibility of the division to notify the student's parent or guardian of any possible investigation, prior to the student's return home from school.

(iii) The division may be exempted from the notification requirements described

in this Subsection (6)(b)(ii) only if it determines that the student would be endangered by notification of his parent or guardian, or if that notification is otherwise prohibited by state or federal law.

(7) (a) If a school employee, agent, or school resource officer believes a student is at-risk of attempting suicide, physical self-harm, or harming others, the school employee, agent, or school resource officer may intervene and ask a student questions regarding the student's suicidal thoughts, physically self-harming behavior, or thoughts of harming others for the purposes of:

- (i) referring the student to appropriate prevention services; and
- (ii) informing the student's parent or legal guardian.

(b) On or before September 1, 2014, a school district or charter school shall develop and adopt a policy regarding intervention measures consistent with Subsection (7)(a) while requiring the minimum degree of intervention to accomplish the goals of this section.

(8) Local school boards and charter school governing boards shall provide inservice for teachers and administrators on the implementation of this section.

(9) The board shall provide procedures for disciplinary action for violations of this section.

Amended by Chapter 214, 2014 General Session